

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lily Carayannis	Team: Team # 1	CCRB Case #: 201404670	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 05/02/2014 8:30 AM	Location of Incident: § 87(2)(b)	18 Mo. SOL 11/2/2015	Precinct: 44		
Date/Time CV Reported Wed, 05/14/2014 9:26 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/14/2014 9:26 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Cornell Enoch	24735	920255	PBBX
2. POM Ilya Kosilov	11356	950701	044 PCT
3. POM Felix Catano	11869	950179	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ilya Kosilov	Abuse: PO Ilya Kosilov damaged § 87(2)(b) s property.	§ 87(2)(b)
B.POM Felix Catano	Abuse: PO Felix Catano damaged § 87(2)(b) s property.	§ 87(2)(b)
C.POM Cornell Enoch	Abuse: PO Cornell Enoch did not obtain medical treatment for § 87(2)(b)	§ 87(2)(b)
§ 87(4-b) § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On May 2, 2014, at approximately 8:30 a.m., § 87(2)(b) and his daughter, § 87(2)(b) were engaged in a dispute. In the course of the dispute, § 87(2)(b) grabbed a kitchen knife and in the process of removing it from her grasp, § 87(2)(b) cut § 87(2)(b)'s abdomen. § 87(2)(b)'s cousin, § 87(2)(b) called 911. § 87(2)(b) § 87(2)(b)'s girlfriend, was also in the apartment. PO Ilya Kosilov and PO Felix Catano, both from the 44th Precinct, responded to the apartment. § 87(2)(b) met PO Kosilov and PO Catano in the hallway of the building and showed them the injury. As PO Catano and PO Kosilov approached § 87(2)(b)'s apartment, the door opened and § 87(2)(b)'s pit bull exited the apartment and walked toward the officers. PO Kosilov and PO Catano fired two rounds each at the dog, striking it twice (**Allegation A** and **Allegation B**). § 87(2)(b) retreated into the apartment and soon after his dog, who had survived the shooting, followed him. § 87(2)(b) took out the child protection bars on the window and jumped out. He hurt his ankle and knee. He was apprehended by PO Cornell Enoch, from Patrol Borough Bronx, immediately upon landing on the ground. § 87(2)(b) allegedly requested medical treatment from PO Enoch for his leg, which he never received (**Allegation C**). § 87(2)(b) was charged with § 87(2)(b). § 87(2)(b) did not seek medical treatment after he left police custody.

Mediation, Notice of Claim, and Criminal History

Thus case was not eligible for mediation as § 87(2)(b) was arrested and his dog was injured. As of January 22, 2015, no notice of claim has been filed in regards to this case with the City of New York (encl. K2). § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b).

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (encl. B4).
- PO Ilya Kosilov and PO Felix Catano have been members of the service for three years and there are no substantiated allegations against them (encl. B1-2).
- PO Cornell Enoch has been a member of the service for 17 years and there are no substantiated allegations against him (encl. B3).

Findings and Recommendations

Allegation A—Abuse of Authority: PO Ilya Kosilov damaged § 87(2)(b)'s property.

Allegation B—Abuse of Authority: PO Felix Catano damaged § 87(2)(b)'s property.

It is not disputed that PO Kosilov and PO Catano responded to § 87(2)(b) in the Bronx for a family dispute with a knife. It is not disputed that during an altercation, § 87(2)(b) cut § 87(2)(b)'s abdomen with a knife. It is not disputed that § 87(2)(b) met the officers in the hallway of the building. It is not disputed that when PO Kosilov and PO Catano got to the apartment door, the door opened and a large pit bill travelled toward them. It is not disputed that PO Catano and PO Kosilov fired shots at the dog and struck the dog twice.

§ 87(2)(b) (encl. C1-11) and § 87(2)(b) (encl. E1-6) stated that the pit bull walked out of the apartment toward the officers and that it did not snarl, bare its teeth, growl, or show any other sign of aggression. § 87(2)(b) stated to the officers, "I've been waiting for you."

§ 87(2)(b) (encl. D1-6) stated that she observed § 87(2)(b)'s dog leave the apartment when § 87(2)(b) opened the door. She did not hear anyone say anything and she heard five shots fired.

§ 87(2)(b) stated that the pit bull was excited and that it ran out of the apartment toward PO Kosilov and PO Catano (encl. F1). § 87(2)(b) declined to provide an in-person interview.

§ 87(2)(b) was unavailable to provide a statement to the CCRB (encl. F2).

PO Catano (encl. G1-7) and PO Kosilov (encl. H1-4) both stated that the pit bull came out of the apartment suddenly. PO Catano and PO Kosilov attempted to back away from the pit bull, but could not as the hallway was so narrow. The pit bull charged at PO Catano, PO Kosilov, and § 87(2)(b) who was standing behind the officers. PO Kosilov saw that the pit bull's teeth were barred and PO Catano observed the pit bull was growling. They did not hear any commands from any of the civilians toward the dog. PO Kosilov and PO Catano both stated that they fired shots at the dog because they were afraid for their safety. § 87(2)(g)

Patrol Guide Procedure 203-12 (encl. A1-2) Officers are permitted to shoot at an animal only when it is necessary to protect themselves or another person from physical injury and when there is no other reasonable means to eliminate the threat.

§ 87(2)(g)

Allegation C—Abuse of Authority: PO Cornell Enoch did not obtain medical treatment for § 87(2)(b)

It is undisputed that § 87(2)(b) jumped out of his window. § 87(2)(b) stated that he did this as his pit bull told him to.

§ 87(2)(b) stated that upon landing on the ground, he felt as though he broke his knee. He was immediately apprehended by PO Enoch, who was also his arresting officer, and he told PO Enoch that he needed medical treatment for his leg. He was transported to the 44th Precinct stationhouse and he continued to ask every officer, while he was in the holding cell, for medical treatment. § 87(2)(b) was transferred to an individual cell as he was pacing and yelling. § 87(2)(b) did not request medical treatment at Bronx Central Booking as he was more concerned about his dog. He did not receive medical treatment after he was released from police custody (encl. C1-11). None of the other civilians were present for this allegation.

PO Enoch stated that § 87(2)(b) did not request medical treatment and that he did not appear to be injured from jumping out his window (encl. I1-16). § 87(2)(b) jumped out of his window onto an awning and then dropped down from the awning onto the street. He did not appear to have trouble walking and he only complained about his dog being shot. § 87(2)(b)'s arrest report, filed by PO Enoch, states that his physical condition appears normal.

None of the police documents show § 87(2)(b) being injured during this incident (encl. J1-2).

§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

Investigator: _____ Lily Carayannis March 18, 2014
Signature Print Date

Supervisor: _____
 Title/Signature Print Date

Reviewer: _____

Title/Signature	Print	Date
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Reviewer: _____
 Title/Signature Print Date